

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Ishynique McCoy	:	CIVIL ACTION
2046 Turner Street	:	
Philadelphia, PA 19121,	:	
Plaintiff,	:	
vs.		
T-Mobile Store	:	NO.: 2:18-cv-4079
575 N 52 <sup>nd</sup> St Suite 708	:	
Philadelphia, PA 19131	:	JURY TRIAL DEMANDED
and	:	
T-Mobile USA, Inc.	:	
12920 Se 38 <sup>th</sup> St.	:	
Bellevue, WA 98006	:	
and	:	
Assurant, Inc.	:	
28 Liberty Street, 41 <sup>st</sup> Floor	:	
New York City, NY 10005	:	
and	:	
Asurion	:	
648 Grassmere Park	:	
Nashville, TN 37211	:	
and	:	
Apple, Inc.	:	
One Apple Way	:	
Cupertino, CA 95014	:	
Defendants	:	

**DEFENDANT APPLE INC.'S REPLY TO CROSS-CLAIM OF  
DEFENDANT T-MOBILE, USA, INC.**

Defendant, Apple Inc., by and through their counsel, Lavin, O'Neil, Cedrone & DiSipio, submit the following Reply to the Cross-claim of Defendant T-Mobile, USA, Inc.

1. Apple Inc. incorporates herein its Answers to Plaintiff's Complaint.
2. Denied as stated. It is admitted only that Apple Inc. sells or has sold certain electronic devices, generally including iPhones, and that it designed certain components thereof. As to the remainder of this paragraph, Answering Defendant is without knowledge or

information sufficient to form a belief as to the truth of the averments and therefore, they are denied and strict proof thereof is demanded.

3. Denied. By way of further response, Apple Inc. incorporates herein its Answer to Plaintiff's Complaint, ¶ 18, subparts a-r.

4. Denied. By way of further response, Apple Inc. incorporates herein its Answer to Plaintiff's Complaint, ¶ 18, subparts a-r.

5. Denied. It is denied that Apple Inc. was negligent, either as alleged in Plaintiff's Complaint or in any other manner whatsoever.

6. Denied. To the extent the averments in this paragraph imply that Answering Defendant is in any way responsible for the injuries or damages alleged in the Complaint, they are denied. It is denied that Answering Defendant proximately caused any alleged injuries of Plaintiff or was negligent, either as alleged in Plaintiff's Complaint or in any other manner whatsoever. As to the remainder of this paragraph, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments and therefore, they are denied and strict proof thereof is demanded.

7. Denied. Apple Inc. specifically denies it liable to Plaintiff and/or Defendant T-Mobile USA, Inc. under any theory.

**WHEREFORE**, Apple Inc. requests judgment be entered in its favor dismissing the Complaint and all Crossclaims of co-Defendant for contribution or indemnity that have been filed and that may be filed in the future and that it be granted such other and further relief as might be just and appropriate.

Respectfully Submitted,

**LAVIN, O'NEIL, CEDRONE & DiSIPIO**

By: s/Basil A. DiSipio  
Basil A. DiSipio, Esquire (I.D. No. 28212)  
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*Attorneys for Defendant, Apple Inc.*

Dated: October 17, 2018

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Nashville, TN 37211	:	
and	:	
Apple, Inc.	:	
One Apple Way	:	
Cupertino, CA 95014	:	
<b>DEFENDANTS</b>	:	

**CERTIFICATE OF SERVICE**

I, Basil A. DiSipio, Esquire, hereby certify that a true and correct copy of Defendant Apple Inc.'s Reply to Cross-claim of Defendant T-Mobile USA, Inc. was electronically filed with the Clerk of the United States District Court for the Eastern District of Pennsylvania and served upon the following counsel of record in this matter on the 17<sup>th</sup> day of October, 2018:

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T-Mobile USA, Inc.*

**LAVIN, O'NEIL, CEDRONE & DiSIPIO**

Dated: October 17, 2018

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